

**CALENDAR ITEM
C87**

A 73
S 36

12/18/15
PRC 7320.9
R. Collins

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

County of Orange
Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Pacific Ocean, at Capistrano Beach, city of Dana Point, Orange County.

AUTHORIZED USE:

Deposition of dredged material to be used for beach replenishment at Capistrano Beach and placement of a temporary offshore dredge disposal pipeline from Dana Point Harbor to Capistrano Beach.

LEASE TERM:

10 years, beginning December 18, 2015.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

OTHER PERTINENT INFORMATION:

1. Applicant is the trustee of legislatively granted tide and submerged lands with minerals reserved to the State, pursuant to Chapter 321, Statutes of 1961, as amended.
2. On February 5, 2005, the Commission authorized Lease No. PRC 7320.9 for a two-year term to the County of Orange to dredge a maximum of 117,800 cubic yards of material in Dana Point Harbor to maintain navigation. Dredged material was used for beach replenishment at Capistrano Beach, or was deposited at the U.S.

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Environmental Protection Agency (EPA)-approved LA-3 open ocean dredged material disposal site located in federal waters. The lease expired on February 4, 2007.

3. Dana Point Harbor requires the periodic removal of accumulated sediment from littoral sediment transport entering the harbor through the entrance channel, the permeable breakwater and from storm drain discharges. No lease is required for maintenance dredging within the Harbor pursuant to Public Resources Code section 6707.
4. The Applicant has applied for a General Lease – Public Agency Use for deposition of dredged material to be used for beach replenishment at Capistrano Beach, which is sovereign land. The Applicant also proposes to deposit dredged material on nearby Baby Beach, which is located within the Applicant's legislative grant and does not require a lease from the Commission. Dredged material will be transported to the various sites through a temporary offshore dredge disposal pipeline. Finer grained sediment not suitable for beach replenishment will be sent to the EPA-approved LA-3 open ocean dredged material disposal site. Dredged material not suitable for open ocean disposal will be disposed of at a permitted upland landfill. Dredged material may not be sold.
5. As a provision of the lease, the Applicant will submit a mean high tide line survey at least 30 days prior to the initial deposition at Capistrano Beach and for any deposition that occurs three or more years after the previous deposition.
6. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304.

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's

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opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

California Coastal Commission
California Regional Water Quality Control Board, San Diego Region

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
City of Dana Point

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize the issuance of a General Lease – Public Agency Use to the County of Orange, Dana Point Harbor beginning December 18, 2015, for a term of 10 years, for deposition of dredged material to be used for beach replenishment at Capistrano Beach and placement of a temporary offshore dredge disposal pipeline from Dana Point Harbor to Capistrano Beach, as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration to be the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

EXHIBIT A

PRC 7320.9

LAND DESCRIPTION

A parcel of tide and submerged lands situated in the Pacific Ocean, adjacent to Capistrano Beach, Orange County, State of California, being more particularly described as follows:

Bounded on the northwest by a line lying 300 feet southeasterly from and parallel with the southwesterly prolongation of the northwest line of "Block A" as shown on Tract No 797 Capistrano Beach No 3, filed in Book 24, Page 10 of Orange County Records; bounded on the southwest by a line lying 550 feet southwesterly from and parallel with the northeast line of said "Block A"; bounded on the southeast by a line lying 350 feet northwesterly from and parallel with the southwesterly prolongation of the southeast line of said "Block A"; bounded on the northeast by the Ordinary High Water Mark of the Pacific Ocean.

END OF DESCRIPTION

PREPARED 11/03/15 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT

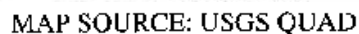


SITE



NO SCALE

LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 7320.9
COUNTY OF ORANGE
APN 123-060-09&10
GENERAL LEASE -
PUBLIC AGENCY USE
ORANGE COUNTY



MJF 11/03/15